52

S.B. CIVIL MISC. APPEAL NO.806/2007.
Pura Ram & Ors. Vs. Bhura Bhai & Ors.

Date of Order :: 23rd February 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. N.S. Rajpurohit, for the appellants.

...

BY THE COURT:

Heard learned counsel for the claimant-appellants and perused the award impugned.

The award of compensation as made in this case in the sum of Rs.4,10,000/- for the parents, sister and brother of the vehicular accident victim Narain Bhai, about 19 years in age and said to be earning Rs.3,000/- per month as a cook, is even otherwise excessive from all standards and the claim for enhancement seems absolutely unjustified.

The Tribunal has taken the entire of the income of the deceased as suggested by the claimants at Rs.3,000/- per month and without considering that the victim was an unmarried person and without looking at the likelihood of his getting married in future and thereby a larger part of his income getting diverted to his own family, has proceeded to apply a multiplier of 16 after deducting only one-third to assess pecuniary loss at Rs.3,84,000/- and after addition of another

Rs.21,000/- amounts non-pecuniary loss and Rs.5,000/- for funeral expenses has awarded compensation in the sum of Rs.4,10,000/- and has also allowed interest @ 6% per annum from the date of filing of the claim application.

The suggestion as sought to be made in this appeal that the Tribunal has not awarded reasonable amount towards property loss of gold chain and of transportation, seem to be absolutely bereft of substance. Even if these components of losses as sought to be suggested in this appeal are taken into consideration and the award of reasonable compensation is made with application of relevant principles, just compensation in this case could only be lower than that awarded by the Tribunal. The deceased being an unmarried person not more than one-half of estimated income could have been taken towards loss of contribution for the parents. In this view of the matter, the award in question could only be said to be excessive ruling out any scope for enhancement.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

//Mohan//